

Appl. No. 09/353,537
Amdt. dated 8/6/03
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2664

PATENT

REMARKS/ARGUMENTS

Applicant thanks the Examiner for his cooperate and granting the interview.

Claims 1-12 were maintained rejected under 35 U.S.C. §103(a) as being unpatentable over McCormick et al. (U.S. Patent No. 6,023,723) in view of "Here is a zmail ban-spam button" (07 October 1997). The Examiner did not comment on new claims 13-56.

In the Advisory Action mailed 6/30/03, the Examiner indicated that "the indication associated with a request to be removed from a SPAM e-mail list" required a new search. For purposes of efficiency, Applicant has amended claim 1 that is now free from such recitation. Claim 1, however, has been amended with the feature of claim 12, which provides further clarification for the term "policing server" in the manner claimed. As previously noted, the Examiner indicated that "McCormick et al. discloses a system for policing an unsolicited e-mail.. comprising a plurality of clients... a policy server.. coupled to the plurality of clients.." (Office Action dated May 5, 2003). As noted in the prior amendment and further emphasized herein, claim 1 recites a system for policing an unsolicited e-mail communication. The system includes a plurality of clients. Each of the clients is adapted to send an indication of an unsolicited e-mail message through an e-mail device for a display. The system also has a policing server coupled to each of the plurality of clients through the wide area network of computers. The policing server is associated with an enforcement agency as claimed. The invention of claim 1 differs form McCormick in at least this way and others.

The Examiner points out that column 6 lines 33-38 through column 7 lines 45-48 provided "the policing server" of claim 1. Applicant respectfully disagrees. A correct reading of columns 6 through 7 have been provided below.

"The address filter server 22 would relay e-mail filter user requests to the filter database....filtering is accomplished at the centralized e-mail system database..."

As can be see above, McCormick deals with transferring updates from a client filter to a central server. See, also Figure 2 and associated text. In contrast, claim 1 as amended

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recites that the policing server associated with an enforcement agency. Clearly, McCormick does not show or suggest these features. Additionally, any combination of McCormick and Here is a zmail ban-spam button also fail to show or suggest these features of claim 1.

Additionally, McCormick fails to show or suggest that the e-mail device comprises an SPAM icon on the display. The SPAM icon is adapted to send the indication from the client to the policing server. The Examiner has already acknowledged this. In fact, McCormick suggests away from any combination with the claimed SPAM icon. As clearly explained in column 2 lines 60-65.

"Addresses of e-mail which are discarded would be periodically sent to a filter server thereby adding the addresses to a master list."

As clearly explained, McCormick uses a different way of updating filters. No SPAM icon is required or desired by McCormick. Additionally, McCormick still fails to show or even suggest the claimed policing server. Accordingly, even the combination of McCormick and Here is a zmail ban-spam button fail to show or suggest the invention of claim 1. Additionally, neither McCormick nor Here is the zmail ban-spam button fail to show or suggest the policing server in the manner claimed. Here, the policing server can, for example, provide enforcement actions.

As noted, claim 1 was amended to incorporate the feature of claim 12. Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over the combined system of (McCormick - "Here is a zmail ban-spam button") in view of Birrell et al (U.S. Patent No. 6,189,026B1). Applicant would now like to address the Birrell et al. reference. Clearly, a "mail service" of Birrell et al. is not the claimed combination including the policing server. At best, Birrell et al. suggested a conventional "firewall 130" that includes common firewall characteristics. '026 patent, column 3, lines 55-67. Applicant would like to point out that the claimed combination of elements including the policing server is associated with an enforcement agency. The claimed policing server is not intended to read on the conventional firewall

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including conventional functionality, and has been defined in detail by at least the present specification. The policing server associated with the enforcement agency is not the conventional firewall mentioned by Birrell, et al. Accordingly, claim 1 and respective dependent claims are patentable over the cited references.

Neither of the cited references also show or suggest the invention of claim 2. Claim 2 recites that the policing server is adapted to report the unauthorized e-mail message. The Examiner cites column 3 lines 55-56 of McCormick. A correct reading of this passage explains that the "list is maintained at the remote central location 46 as well as being periodically updated in each of the users PC systems..." As shown, there is no policing server that is adapted to report the unauthorized e-mail message. Accordingly, claim 2 is also patentable.

Claims 11-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combined system of (McCormick - "Here is a zmail ban-spam button") in view of Birrell et al (U.S. Patent No. 6,189,026B1). Claim 12 has been cancelled. Clearly, a "mail service" of Birrell et al. is not the claimed combination including the policing server. This claim is at least patentable based upon the reasons noted above, as well as others.

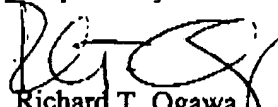
New claims 13 through 56 have been added. No new matter has been introduced thereby. Applicant respectfully requests for these claims be entered and allowed.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


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TOWNSEND and TOWNSEND and CREW LLP

OFFICIAL

FAX REC.

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Appl. No. 09/353,537

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